



## THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

FOR IMMEDIATE RELEASE

OCT. 19, 2010

CONTACT: GEORGE HARDEEN  
COMMUNICATIONS DIRECTOR  
OFFICE – 928-871-7917  
CELL – 928-309-8532  
pressoffice@opvp.org

# Navajo President Joe Shirley, Jr., cites major accomplishments, end to Navajo-Hopi Land Dispute in final State of the Nation address

*For second time, Navajo Nation Council refuses to allow President give speech*

**WINDOW ROCK, Ariz.** – For the second time, the Navajo Nation Council declined to permit Navajo Nation President Joe Shirley, Jr., to present his quarterly State of the Navajo Nation address, which would have been his final before ending two terms in office.

The Council usually hears the President's address on the opening morning of its session. But on Monday, it heard guest introductions and went to lunch. By the time a quorum had reassembled, the Council voted 31-to-30 to accept only the written version of the President's address.

Before leaving the Council Chambers, however, both President Shirley and First Lady Vikki Shirley were honored for their service and were presented with Pendleton robes by Council Delegate Peterson Yazzie.

The President said the overall goal of his eight years in office was to place the Nation on the road toward independence and to strengthen Navajo Nation sovereignty.

The President's report cited job creation, the establishment of casinos, roads and infrastructure development, and the negotiation of the country's largest water rights settlement that occurred he took office in 2003.

He also announced the official end to the decades-old

Navajo-Hopi Land Dispute that caused more than 12,000 Navajos to relocate from their traditional homes from the 1970s through the end of the 1990s.



*Navajo Nation President Joe Shirley, Jr., and First Lady Vikki Shirley were honored for their service and presented with a Pendleton robe and shawl by Council Delegate Peterson Yazzie at the opening of the Navajo Nation Council on Monday.*

"After decades of resistance by some of our most traditional grandmothers and grandfathers who refused to leave their homes, the federal government came to realize that this law no one wanted was crumbling against the People like sandstone against a rock," he said.

On Sept. 21, he said the Navajo Nation and the Hopi Tribe filed a Notice of Settlement and Voluntary Dismissal of Appeal in the original 1958 *Healing vs. Jones* lawsuit that ultimately led to the 1974 Navajo-Hopi Relocation Act, closing the book on what he called “52 cruel and heartbreaking years.”

“The long litigation between the two tribes over the 1882 Executive Order Reservation area was finally over, and the Navajo-Hopi Land Dispute came to an official end,” he said.

The land dispute plagued the Navajo people and each generation of leaders like nothing else since Livestock Reduction of the 1930s, he said.

“The cost, grief and endlessness of it passed from Chairman Jones to Chairman Nakai, then to Chairman MacDonald to President Zah,” he said. “In 1963, it passed through the U.S. Supreme Court, and finally through Congress, becoming the dreaded 1974 Relocation Act.”

President Shirley congratulated Attorney General Louis Denetsosie and Navajo Department of Justice attorneys for bringing that era of Navajo and Hopi history to a close.

“For too long, the Navajo and Hopi nations had been at odds with each other,” he said. “It should never have been because neither of us is going anywhere. By talking with each other, our tribes found a way to resolve old and bitter differences in order to live together.”

The President also noted the lifting of the 40-year-old Bennett Freeze in the western portion of the Navajo Nation.

On Dec. 5, 2005, Federal District Judge Earl Carroll signed a court order to dispose of all claims in the 1934 litigation between the Navajo Nation and the Hopi Tribe. The Navajo Council approved an Intergovernmental Agreement in 2006, and on May 8, 2009, President Obama signed a law to forever repeal the Bennett Freeze.

“The Bennett Freeze caused unending hardships for thousands of Navajo families across an area larger than the state of Delaware,” he said.

The President expressed gratitude to Arizona Congresswoman Ann Kirkpatrick who has proposed

legislation that calls for nearly \$1 billion to rehabilitate the former Bennett Freeze Area.

The Congresswoman attended Monday’s Council session and was presented with a Navajo Codetalker Pendleton robe for her work on behalf of Native American veterans.

In 2002, President Shirley campaigned to support Navajo gaming should Navajo voters approve it. In 2004, they did so in a tribal referendum.

Last week, the Nation opened its second casino, and plans to break ground on two others – in Upper Fruitland, N.M., and near Flagstaff, Ariz. – later this fall.

President Shirley said the Nation expects to earn about \$150 million a year from gaming and an additional \$20 million in repayment of the Nation’s loan to the Navajo Nation Gaming Enterprise to develop the casinos. The tribe has gaming compacts with Arizona and New Mexico that will allow it to build a total of six casinos.

The nearly two-year-old Fire Rock Casino employs 314 workers and has a \$9.2 million payroll, he said. The new \$3.1 million Flowing Water Casino at *Tse’ Daa K’aan*, N.M., created 64 full-time jobs.

The proposed Upper Fruitland casino expects to employ 375 casino workers and 131 hotel employees with a combined payroll of \$17.6 million. The \$120 million Twin Arrows Casino to be built near Leupp and Flagstaff, is expected to create 768 jobs – 549 in the casino and 219 in the hotel, he said.

Gaming pooling agreements with three Arizona tribes will also bring another \$130 million to the Nation over 17 years, he said.

The President cited the 2005 San Juan River Water Rights Settlement Agreement with New Mexico as the largest Native American water settlement in American history. It was signed into law by President Obama on March 30, 2009, through the Omnibus Public Lands Management Act.

“It promises to bring clean drinking water to 80,000 residents in the Eastern Navajo Agency, Window Rock and Gallup,” he said. “It will open the door to new schools, clinics and businesses that cannot exist without water.”

The next step in the process is approval of the Northeastern Arizona Indian Water Rights Settlement which would ensure Navajo Nation water rights in the Little Colorado River Basin and the Lower Colorado River Basin, he said.

The Navajo Nation Council has scheduled a special session for Nov. 4 to consider the settlement after having tabled it two weeks ago.

Regarding roads, the President said from 2002 to 2010, the Nation received nearly \$475 million in BIA Indian Reservation Roads Program funding to develop transportation infrastructure. Through the American Recovery and Reinvestment Act, it received \$86.4 million for road construction and maintenance across the Navajo Nation.

The Fuel Excise Tax funded 162 projects valued at more than \$73 million for local communities and to help develop the newly-created Navajo Nation Division of Transportation, he said.

This year, Navajo DOT received \$31 million through a national TIGER grant for the US 491 road-widening project in New Mexico that 1,400 other municipalities competed for.

Regarding public safety, the President said there were only 196 Navajo police officers in 2003 but with recruitment and training, the Division of Public Safety grew to 384 officers.

Because of a lack of funding, he said, the Division was unable to hold a recruitment class for the past two years. As a result of retirements, transfers and terminations, the Division is down to 249 officers and 42 criminal investigators, but that is more than 100 officers than the Nation had in 2004, he said.

He said through a \$60 million KeyBank loan, the Nation broke ground on a new Public Safety/Jail/Judicial Building in Tuba City on Sept. 24. Another is planned for Crownpoint through the same loan.

"The loan is considered the first major institutional financing agreement governed exclusively by tribal law and subject to tribal jurisdiction," President Shirley said. "It recognizes the extraordinary quality of our Nation's judicial system and Navajo Nation sovereignty."

In July, the Nation dedicated the 14,000-square-foot multi-purpose Dilkon District Court Building, and the new *Dzilth-Na-O-Dithle* Law Enforcement Building.

On Friday, a groundbreaking is scheduled for the \$31 million jail facility in Kayenta that is also funded through ARRA, he said.

"At last, a decade-old problem of having no place to hold law-breakers that forced our law enforcement and courts to release them back into our communities is now coming to an end," he said.

Since 2003, he said the Division of Economic Development has overseen the completion of the \$4.3 million Karigan Building, the construction of \$25 million in homes in Karigan Estates, the \$40 million Antelope Point Marina project, convenience stores at Alamo, Sawmill and White Cone, and new welcome centers at Sheep Springs and Monument Valley.

Right now, the Division is developing shopping centers at *Nahatahdzii* and Ganado, and a dozen rest areas along Navajo highways, he said.

In 2003, he said, only nine cell phone towers covered the entire Navajo Nation. However, on Oct. 1, CellularOne dedicated its 99<sup>th</sup> tower in Burham Chapter and plans to raise 25 more next year.

Regarding mineral rights, he said in 2006 the Department of Justice and the Minerals Department completed long and difficult negotiations with El Paso Natural Gas Co. to increase pipeline royalty payments to \$18 million a year for 20 years. That will bring the Nation \$360 million.

After 20 years, the agreement can be renegotiated to bring in millions of dollars more, he said.

"This was a critical and painstaking negotiation because it served to replace royalty payments that were lost when the Black Mesa Mine ceased operation," President Shirley said.

Among his disappointments, he said, was in 2008 when the Ninth Circuit Court of Appeals' reversed its earlier decision to prevent the desecration of the San Francisco Peaks and the owner of the Arizona Snowbowl to use wastewater to make artificial snow for skiing.

"In 2009, we were disappointed again when the U.S. Supreme Court declined to hear our case," he said. "Last month there was little left to say when the Flagstaff City Council failed to hear the plea of our People and voted to allow wastewater to be sold so snowmaking could proceed."

He said he was also disappointed that the proposed Desert Rock Power Project has not broken ground because of the political shift that occurred in Washington, D.C.

During a visit to former Sen. Pete Domenici's office before he retired, the President said, the senator told him that for 40 years the federal government told the Nation to build its own power plant. Now that the Nation was in a position to do so, he said, the government is telling us that it can't.

The President said an air permit was issued for Desert Rock in 2008 but was taken away a year later by the U.S. EPA.

"Since then, I have sought a meeting with President Obama to discuss Desert Rock," President Shirley said. "Ironically, there are two other coal plants now under construction in the U.S. – the Prairie State Power Project

in President Obama's home state of Illinois, and the Comanche III Project in Secretary Salazar's home state of Colorado."

Regarding taxes, the President said that 25 years ago the U.S. Supreme Court recognized the Navajo Nation's sovereign right to impose taxes without approval by the Secretary of the Interior in the *Kerr McGee vs. Navajo Tribe*.

Since 2003, the Office of the Navajo Tax Commission has collected \$680 million in taxes, averaging \$85 million per fiscal year.

"This is an excellent example of sovereignty at work," President Shirley said. "To Navajos, sovereignty is simple. It means being independent and standing on one's own."

"With more of our students graduating from college each year, with more of our economic initiatives in place, with greater safety and security, I see the day when we are independent again, and our sovereignty will flourish every day," he said.

###